



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 30, 1995

Mr. Edward H. Perry  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR95-1320

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 36160.

The City of Dallas received an open records request for the evaluations of candidates for the position of Building Official. You contend that section 552.122 of the Government Code excepts from disclosure all the requested information. You argue that releasing the requested information would compromise the effectiveness of future evaluations.

We conclude that section 552.122 excepts from disclosure only a portion of the requested information. Section 552.122(b) excepts from disclosure test items developed by a licensing agency or governmental body. The term "test item" in section 552.122 includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated; but the term "test item" does not encompass evaluations of an employee's overall job performance or suitability. Open Records Decision No. 626 (1994) at 6 (copy enclosed). In some situations, disclosing the answers to test questions might reveal the questions themselves. *See* Attorney General Opinion JM-640 (1987) at 3. The information you submitted for review contains four questions and answers that we believe constitute test items. The remainder of the questions do not evaluate an applicant's knowledge in a particular area, but appear to be designed to evaluate the general suitability of each candidate for the position. We have marked on one of the evaluations the questions and answers that you may withhold; you may withhold these questions and answers on all the evaluations. You must, however, release the remaining questions and answers.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Margaret A. Roll". The signature is fluid and cursive, with the first name "Margaret" being more prominent than the last name "Roll".

Margaret A. Roll  
Assistant Attorney General  
Open Records Division

MAR/rho

Ref.: ID# 36160

Enclosures: Marked documents  
Open Records Decision No. 626 (1994)

cc: Isaac Molina, AIA  
Assistant Building Official  
Economic Development Department  
City of Dallas  
320 East Jefferson, Room 115  
Dallas, Texas 75203  
(w/o enclosures)